

REMARKS

Reconsideration of the application is requested.

Claims 14-23, 25, and 26 remain in the application. Claims 14-23, 25, and 26 are subject to examination. Claims 14 and 23 have been amended.

Under the heading “Claim Rejections – 35 USC § 102” on page 8 of the above-identified Office Action, claims 14-18, 20, 22-23 and 25-26 have been rejected as being fully anticipated by U.S. Publication No. 2004/0203589 to Wang et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

Claims 14 and 23 have been amended to better define the invention. Support for the changes to claims 14 and 23 can be found by referring to page 2, lines 12-31 of the translated specification and to Fig. 2 and the corresponding description in the translated specification.

In claims 14 and 23, the controlling and evaluation is related to the traffic which is transmitted from the communication unit. Further the messages of the communication unit are logged in dependence of the useful information assigned to the communication unit.

The method disclosed in Wang et al is related to a message sent by a sender to a receiver in communication network. However, claims 14 and 23 are

related to controlling and evaluating the message traffic transmitted from the communication unit between a first and a second network unit. This means that any useful information assigned to any receiver is not relevant for controlling and evaluating the message traffic.

In Wang the white list and black list is associated with the receiver or the network operator and is not associated with the sending communication unit [0026, the white list is associated with receiver 220]. This means that a communication unit receiving a message defines and administrates which calls are transmitted or not transmitted to the receiving communication unit.

In contrast to Wang, in the invention defined by claims 14 and 23, the useful information controls and evaluates the message traffic transmitted from the communication unit. The useful information could be an address of another communication unit. However, this address is not assigned to and is not related to the other communication unit, but rather to the sole communication unit. This means in the lists it is determined which addresses are allowed or not allowed for the sole communication unit transmitting message traffic.

This procedure is advantageous for controlling and evaluating the message traffic transmitted from the communication unit and for logging the message traffic of a communication unit in a logfile, e.g. for allowed and not allowed message traffic in different networks, such as a mobile radio network and the internet.

In other words, in claims 14 and 23, whether a message is forwarded depends on “at least one item of useful information assigned to the communication unit”. Wang et al. do not teach determining whether a message is forwarded based on “at least one item of useful information assigned to the communication unit”. Rather Wang et al. teach determining whether a message is forwarded based on a white list or a black list that are stored in the processing agent 300 of the MCS 200. Each white list and black list is associated with a subscriber and shows the subscriber’s preferences as to the senders that will be allowed to send messages to that subscriber (See paragraphs 26- 28 of Wang et al.). It is clear that whether a message is forwarded is based on information relating to the subscriber or receiver of a message. This subscriber or receiver is analogous to the second network unit in claims 14 and 23. In contrast, claims 14 and 23 specify that whether a message is forwarded is based on useful information assigned to the communication unit, which is the unit transmitting the message to be forwarded.

Applicants believe that the invention as defined by claims 14 and 23 is not anticipated by or suggested by the teaching in Wang et al.

Under the heading “Claim Rejections – 35 USC § 103” on page 13 of the above-identified Office Action, claim 19 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of

U.S. Publication No. 2002/0199095 to Bandini et al. under 35 U.S.C. § 103.

Applicants respectfully traverse.

Applicants believe the invention as defined by claim 19 would not have been suggested by the combination of cited prior art for the reasons given above with regard to the teaching in Wang et al. and claim 14.

Additionally, the useful information in Bandini (attributes in a database) is compared with the attributes of an incoming message. This means that the attributes (useful information) are related to a received message and not to the message traffic transmitted from a communication unit (see paragraph 27 in Bandini).

The method defined by claim 19 is not related to controlling and evaluating a message received on a communication unit, but rather is related to controlling and evaluating message traffic transmitted from a communication unit.

Therefore, Applicants believe the combination of Wang and Bandini does not teach or suggest the method defined by claim 19.

Under the heading “Claim Rejections – 35 USC § 103” on page 14 of the above-identified Office Action, claim 21 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of

U.S. Publication No. 2004/0203432 to Patil et al. under 35 U.S.C. § 103.

Applicants respectfully traverse.

Applicants believe the invention as defined by claim 21 would not have been suggested by the combination of cited prior art for the reasons given above with regard to the teaching in Wang et al. and claim 14.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 14 or claim 23. Claims 14 and 23 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14 or claim 23.

In view of the foregoing, reconsideration and allowance of claims 14-23, 25, and 26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of three month pursuant to Section 1.136(a) in the amount of \$1,100.00 in accordance with Section 1.17 is enclosed herewith.

Appl. No. 10/589,906  
Reply to Office Action of April 26, 2010  
Amdt. Dated October 7, 2010

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Mark P. Weichselbaum/  
Mark P. Weichselbaum  
(Reg. No. 43,248)

MPW:cgm

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Lerner Greenberg Stemer LLP  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: (954) 925-1100  
Fax: (954) 925-1101